

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

MAGDALENA CASTRO BENITEZ,

Defendant.

4:18CR3088

ORDER

Defendant has moved to continue her detention hearing, (Filing No. 149), stating a witness is unavailable and her client will not be interviewed by pretrial services until today. The hearing was set on August 9, 2018.

The motion does not state who the witness is, the topic he or she will address, or the reason for being unable to attend. If the witness is a proposed third party custodian, the court will not consider release to that person absent a pretrial report on the third party custodian.

The government intends to call a witness to address the weight of the evidence and possibly concerns with obstruction of justice if release is permitted. That evidence can proceed today even if the hearing as to Defendant Benitez must be finished at a later time, either because the witness is not available to testify or pretrial services has not had an opportunity to interview and report on any proposed third party custodian. Accordingly,

IT IS ORDERED that the motion to continue, (Filing No. 149), is denied.

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August 14, 2018.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge